

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

VALERIE STRICKLAND,

Plaintiff,

vs.

BUFFALO WILD WINGS, INC.

Defendant.

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CIVIL ACTION NO. _____

NOTICE OF REMOVAL

TO THE HONORABLE COURT:

For the purpose of removing this action to the United States District Court for the Northern District of Texas, Dallas Division, Defendant Buffalo Wild Wings, Inc. (“BWV”) states as follows:

I. PROCEDURAL POSTURE – STATE COURT ACTION

1. BWV is a Defendant in a personal injury civil action filed on October 17, 2014 in the 191st District Court of Dallas County, Texas, entitled *Valerie Strickland v. Buffalo Wild Wings, Inc.*, Cause No. DC-14-12219.

2. BWV was served with the state court Plaintiff’s Original Petition (the “Petition”) on November 5, 2014.

3. Pursuant to LR 81.1(a)(4)(A), attached as Exhibit A is an index that clearly identifies each document and indicates the date each document was filed in state court. Pursuant to LR 81.1(a)(4)(B), attached as Exhibit B is a copy of the state court docket sheet. Pursuant to LR 81.1(a)(4)(C), attached as Exhibit C is a copy of Plaintiff’s Civil Case Information Sheet and Original Petition filed in the state court on October 17, 2014. Pursuant to LR 81.1(a)(4)(C), attached as Exhibit D is a copy of Citation issued in the state court on October 17, 2014. Pursuant to LR 81.1(a)(4)(C), attached as Exhibit E is a copy of a Certificate of Service from the Texas Secretary of State filed in the state court on November 18, 2014. Pursuant to LR

81.1(a)(4)(C), attached as Exhibit F is a copy of Defendant's Original Answer filed on December 1, 2014. Pursuant to LR 81.1(D), attached as Exhibit G is a separately signed certificate of interested persons that complies with Federal Rule of Civil Procedure 7.1 and LR 3.1(c).

II. STATEMENT OF APPLICABLE LAW - DIVERSITY JURISDICTION

A. Diversity of Parties' Citizenship

4. According to the Petition, Plaintiff Valerie Strickland is an individual and Texas resident. (Petition II.2.).

5. BWW is a foreign corporation. (Petition II.3). BWW is organized and existing under the laws of Minnesota, with its corporate headquarters located in Minnesota principal place of business in Minnesota. (Petition II.3.)

6. Plaintiff and Defendant are therefore citizens of different states and complete diversity exists.

B. Amount in Controversy

7. The Petition alleges that Plaintiff seeks monetary relief in a sum greater than \$1,000,000. (Petition I.1.). Plaintiff also seeks exemplary damages. (Petition VIII.) For purposes of removal in this action, calculation of the amount in controversy includes both compensatory and punitive damages. *Bell v. Preferred Life Assur. Soc'y v. Preferred Life Assur. Soc'y*, 320 U.S. 238, 240 (1943). It is "facially apparent" based on the damage allegations in the Petition that Plaintiff's claims satisfy the amount in controversy requirement. *See Menendez v. Wal-Mart Stores, Inc.*, 364 Fed. Appx. 62 (5th Cir. 2010).

8. Based on the foregoing, the \$75,000.00 amount in controversy requirement has clearly been met.

C. Removal to this Court Is Therefore Proper

9. This Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332 in that this case is a civil action between citizens of different states and the amount in controversy exceeds

\$75,000, exclusive of interest and costs. Accordingly, BWW removes this action to federal court in accordance with 28 U.S.C. § 1441.

D. Removal is Timely

10. This Notice of Removal is filed with this Court within thirty (30) days after service on BWW of the Citation and Petition filed in the state court case.

E. Jury Demand

11. Plaintiff demanded trial by jury in the state court action.

WHEREFORE, Defendant Buffalo Wild Wings, Inc. prays that the above-entitled action be removed to the United States District Court for the Northern District of Texas, Dallas Division, from the 191st Judicial District Court for Dallas County, Texas.

DATED: December 3, 2014.

Respectfully submitted,

By /s/ Jeffrey J. Wolf
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ATTORNEYS FOR DEFENDANT
BUFFALO WILD WINGS, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the following attorneys of record via first class mail on this the 3rd day of December, 2014:

Darren Wolf
Christianne Edlund
Law Office of Darren Wolf, P.C.
1701 N. Market Street, Suite 210
Dallas, Texas 75202

/s/ Todd C. Donohue
Todd C. Donohue